

LAFAYETTE & KUMAGAI LLP  
ATTORNEYS AT LAW  
100 SPEAR STREET, SUITE 600  
SAN FRANCISCO, CALIFORNIA 94105  
(415) 357-4600  
FAX (415) 357-4605

LAFAYETTE & KUMAGAI LLP  
GARY T. LAFAYETTE (State Bar No. 088666)  
SUSAN T. KUMAGAI (State Bar No. 127667)  
FORREST E. FANG (State Bar No. 122805)  
100 Spear Street, Suite 600  
San Francisco, California 94105  
Telephone: (415) 357-4600  
Facsimile: (415) 357-4605

Attorneys for Defendants  
REGENTS OF THE UNIVERSITY OF CALIFORNIA,  
TALMADGE E. KING, JR., M.D., LEE GOLDMAN, M.D.,  
J. MICHAEL BISHOP, M.D.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

STEPHEN EMBURY, M.D.,

Plaintiff,

vs.

TALMADGE E. KING, JR., M.D., LEE  
GOLDMAN, M.D., J. MICHAEL BISHOP,  
M.D., in their individual and official  
capacities, THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA, a public  
corporation, and DOES 1 to 100, inclusive,

Defendants.

Case No. C 01-01448 CW

ORDER GRANTING

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Date: January 13, 2006  
Time: 1:30 p.m.  
Courtroom: 2

Plaintiff Stephen Embury ("plaintiff") and defendants Regents of the University of California, Talmadge E. King, Lee Goldman and J. Michael Bishop ("defendants") (collectively referred to as the "parties") through their respectively counsel stipulate as follows:

WHEREAS, the Case Management Conference in this action is presently scheduled for January 13, 2006;

WHEREAS, defendants Talmadge E. King, Jr., Lee Goldman and Michael Bishop's ("defendants") Appeal of the Court's Order (Qualified Immunity) Denying Summary Judgment is currently pending before the United States Court of Appeal for the Ninth Circuit (the "Appeal");

WHEREAS, defendants' Opening and Reply briefs and plaintiff's Answering brief on the

Appeal have been filed with the Ninth Circuit;

WHEREAS, the date for oral argument on the Appeal was originally set for December 9, 2005, but was taken off calendar and has not yet been reset for hearing by the Ninth Circuit;

WHEREAS, the outcome of the Appeal may impact the action before this Court;

WHEREAS, the parties stipulate to continue the Case Management Conference to May 12, 2006 at 1:30 p.m.;

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

That the Case Management Conference be continued to May 12, 2006, at 1:30 p.m. in Courtroom 2 of the above Court.

Dated: January 5, 2006

LAFAYETTE & KUMAGAI LLP

/S/ Forrest E. Fang

FORREST E. FANG

Attorneys for Defendants

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, TALMADGE E. KING, JR., M.D.,  
LEE GOLDMAN, M.D. and J. MICHAEL  
BISHOP, M.D.

Dated: January 9, 2006

BASSI, MARTINI & BLUM

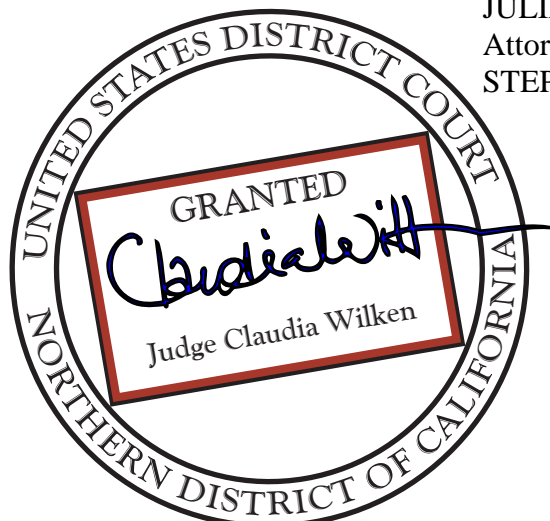
/S/ Fred M. Blum

FRED M. BLUM

JULIE JARDINE

Attorneys for Plaintiff

STEPHEN EMBURY, M.D.



**SIGNATURE ATTESTATION:**

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Forrest E. Fang  
FORREST E. FANG

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served electronically on January 9, 2006, on counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use of the Court's ECF system.

/S/ Forrest E. Fang  
FORREST E. FANG

N:\Documents\UC\Embu\Pldg\stip-cont-cmc\_01\_05\_06.doc

LAFAYETTE & KUMAGAI LLP  
ATTORNEYS AT LAW  
100 SPEAR STREET, SUITE 600  
SAN FRANCISCO, CALIFORNIA 94105  
(415) 357-4600  
FAX (415) 357-4605